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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,615	01/25/2001	Kashichi Hirota	P66355US0	5712
136	7590	11/06/2003	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			PAN, YUWEN	
			ART UNIT	PAPER NUMBER
			2682	6
DATE MAILED: 11/06/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,615

Applicant(s)

HIROTA ET AL.

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 objected to because of the following informalities: "painting", line 10, should be "painted". Appropriate correction is required.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09768615, filed on 1/25/01.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Telephone Display Panel With Decorated And Magnified Layer.

Information Disclosure Statement

4. The information disclosure statement filed 7/30/03 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the two Chinese patents are irrelevant with the application. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-7, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubes et al (US006035180A).

With respect to claims 1, 4, Kubes discloses a telephone (figure 1) comprising:

A body formed of a plastic material (see column 1 and lines 27-29), wherein at least part of said body includes a section formed of a transparent material (see column 1 and lines 37-40);

An adhesive layer provided on the rear face of said section formed of said transparent material (See column 2 and lines 1-4),

Colored or lustrous fine fragments dispersedly applied onto said adhesive layer and a painted layer, such as pictures provided on said colored or lustrous fine fragments (see column 1 and lines 25-30);

With respect to claim 3, Kubes discloses a telephone (figure 1) comprising:

A body formed of a plastic material (see column 1 and lines 27-29), wherein at least part of said body includes a section formed of a transparent material (see column 1 and lines 37-40);

A painted layer formed on the rear face of said section formed of said transparent material, said painting layer including a luminous material (see column 1 and lines 25-30, column 2 and line 6).

With respect to claims 5 -7, Kubes discloses a telephone (figure 1) comprising:

A display having a display panel (see figure 1 and item 10);

A transparent guard plate disposed said display panel with leaving a space to said display panel, wherein said transparent guard plate includes a transparent section corresponding to said display panel and a peripheral section around said transparent section (see figure 1 and item 11), said peripheral section being formed of a transparent material (see column 4 and lines 41-45);

An adhesive layer provided on the rear face of said section formed of said transparent material (See column 2 and lines 1-4),

Colored or lustrous fine fragments dispersedly applied onto said adhesive layer and a painted layer, such as pictures provided on said colored or lustrous fine fragement (see column 1 and lines 25-30);

A painted layer formed on the rear face of said section formed of said transparent material, said painting layer including a luminous material (see column 1 and lines 25-30, column 2 and line 6).

With respect to claim 10, Kubes further discloses a telephone is a portable telephone (see figure 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubes et al (US006035180A) in view of Snyder (US006389268B1) and Yohsida et al (US006421181B1).

Kubes discloses a telephone (figure 1) comprising:

A display having a display panel (see figure 1 and item 10);

A transparent guard plate disposed said display panel with leaving a space to said display panel, wherein said transparent guard plate includes a transparent section corresponding to said display panel and a peripheral section around said transparent section (see figure 1 and item 11), said peripheral section being formed of a transparent material (see column 4 and lines 41-45);

An adhesive layer provided on the rear face of said section formed of said transparent material (See column 2 and lines 1-4),

Colored or lustrous fine fragments dispersedly applied onto said adhesive layer and a painted layer, such as pictures provided on said colored or lustrous fine fragments (see column 1 and lines 25-30);

A painted layer formed on the rear face of said section formed of said transparent material, said painting layer including a luminous material (see column 1 and lines 25-30, column 2 and line 6).

Kubes doesn't discloses said transparent section including a front face and rear face facing said display panel, said front face being formed as a convex lens having a convex surface.

Snyder discloses said transparent section including a front face and rear face facing said display panel, said front face being formed as a convex lens having a convex surface (see figure 2, and column 2 and lines 6-12).

Combination of Kubes and Snyder doesn't teach rear face being formed as Fresnel lens having a convex lens function.

Yoshida et al discloses that Fresnel lens having a convex lens function is incorporated (see column 2 and lines 32-52).

It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize Fresnel lens with convex function such that the magnified images are displayed, at a position adjacent to the screen.

9. Claims 2,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubes et al (US006035180A).

With respect to claim 2, Kubes discloses a telephone (figure 1) comprising:

A body formed of a plastic material (see column 1 and lines 27-29), wherein at least part of said body includes a section formed of a transparent material (see column 1 and lines 37-40);

Kubes doesn't disclose a luminous material mixed in said section formed of said transparent material by a predetermined ratio.

The examiner takes "Official Notice" of the fact that is notoriously well-known in the art such as a watch display to mix a luminous material with said transparent material by a predetermined ratio, in order to observe information under insufficient light environment.

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Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine mixing a luminous material with said transparent material by a predetermined ratio to observe information under insufficient light environment.

With respect to claim 9, Kubes teaches that colored or lustrous fine powders are formed of plastic housing. Kubes doesn't expressly teach that colored or lustrous fine powders are formed of metallic foil.

The examiner takes "Official Notice" that it is notoriously well known in the art, to form of metallic foil instead of plastic, in order to have between structure integrity.


Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to form of metallic foil to have between structure intensity for the housing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


Yuwen Pan
October 29, 2003


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600